

tion of the government with which it was originally identical, which difference gives rise to amendments, constructions, implications, and other devices for the enlargement of powers.

Our constitution has grown under the hand of the Congress, of the Court, and of the Executive. Its growth began with its birth, and it has well-nigh, but not quite, kept pace with the march of the generations. If a power was necessary for government, and was neither expressly given nor clearly implied, then the wisdom of the Court must justify its implication. Alexander Hamilton, I think the greatest synthetic intellect of the ages, said: "If the power is necessary to the purposes of the Constitution it may be implied from powers expressed." I think he may rightly be called the discoverer of the great principle of implied powers, but it was left to John Marshall, the greatest legal mind of all time, to develop it. But how could powers be deduced from that principle? That question came forward and demanded answer just after the dawn of the government. A national bank was deemed to be a necessary means of carrying out the purposes of the constitution. No power was expressly conferred, or clearly implied in that instrument for the chartering of such an institution. But John Marshall, in that great storehouse of legal learning and governmental philosophy, the historic case of *McCullough versus Maryland*, called forth the implied powers of the constitution and made them subservient to the Nation's necessities. He reasoned that the people were the source of power; that they had made the constitution; that they had made it for the purposes of a nationality; that they had made it to promote their own welfare; that a national bank was a necessity to the financial and commercial well-being of the Nation, and that no blind adherence to empty form or sickly sentiment should stand in the way of the prosperity of the people or the happiness of their firesides. He declared that since all constitutional powers had come from the people that they were exercisable upon them and for their benefit. Said he: "The emergencies of the nation may require that the treasure raised in the North be transported to the South, or that raised in the East be conveyed to the West." A national bank was a convenient means to meet these exigencies of the Nation, and, therefore, the interest of the people required that the power to charter a national bank be deduced from the federal constitution.